APPENDIX

Section 2, Article 3, Chapter 11, Code of West Virginia, reads as follows:

"*Canvass by Assessor; Lists of Property.*—On the first day of January, in each year, the assessors and their deputies shall begin the work of assessment in their respective counties, and shall, from that date, diligently and continuously pursue with all reasonable dispatch their work of assessment until the same is completed: *Provided, however,* That the assessor and his deputies shall finish their work of assessment, and complete the land and personal property books not later than the first day of July. Beginning on the first day of January, as aforesaid, the assessor or a deputy shall call upon every person in the territory, appointed to such assessor and deputy, who is liable to assessment, and thereupon such person shall furnish to such assessor, or his deputy, a full and correct description of all of the real estate and personal property of which he was the owner on the first day of January of the current year, fixing what he deems to be the true and actual value of each item of property, both real and personal, for the guidance of the assessor, who shall finally settle and determine the actual value of each item of such property by the rule prescribed in section one of this article; such person shall also, at the same time, make separate, full and true statements, in like manner, and upon similar blanks to be furnished him, distinctly setting forth in each a correct description of all the property, real and personal, held, possessed or controlled by him, as executor, administrator, guardian, trustee, receiver, agent, partner, attorney, president or accounting officer of a corporation, consignee, broker, or in any representative or fiduciary character, and he shall fix what he deems the true and actual value thereof to each item of such property which valuation shall be

subject to revision and change by the assessor in like manner as property owned by such person in his own right: *Provided, however,* That no person shall be compelled to furnish the list mentioned in this section sooner than the tenth day of January of the current year.

"The assessor shall perform such other duties while making his assessment as may be required of him by law."

Section 4, Article 3, Chapter 11, Code of West Virginia:

"*Oath of Owner.*—The assessor and his deputies are empowered to administer oaths in all matters pertaining to their official business, and every such list provided to be made out by the two next preceding sections shall be sworn to or affirmed, by the person making the same, before it shall be received by the assessor or any of his deputies; the form of such oath or affirmation, when made by the person owning the property (and the oath or affirmation of the owner of the property shall be required in all cases where it is practicable, instead of the oath or affirmation of his agent or manager), shall be substantially as follows, to-wit:

"State of West Virginia, county of_____ss:
I, _____, do solemnly swear (or affirm) that to the best of my knowledge, information and belief, the foregoing statement contains a true, full and correct list of all property, real and personal, owned by me on the first day of the assessment year; that where I have been unable to exhibit any class of property to the assessor or to his deputy, such property has been fully and fairly described to him and its true condition represented; that I have in no case sought to mislead the assessor or his deputy, as to the entire quantity, quality or value of the property; that I have

reported all moneys and the value of all credits and investments owned by me on the said day and liable to taxation, except bonds of the United States, and other tax exempt securities, and except stock in a banking institution, and other incorporated companies whose property is assessed in the name of such corporation either within or without this State; that, since the first day of the assessment year, I have not directly or indirectly converted or exchanged any of my property temporarily for the purpose of evading the assessment thereof for taxes into nontaxable property or securities of any kind; that I have, to the best of my knowledge and judgment, valued the said property, both real and personal, at its true and actual value on the first day of the assessment year, by which I mean the price that could be obtained for said property at private or voluntary sale, and on such terms as are usually employed in the selling of such property, and not the price which might be realized at a forced or auction sale; so help me, God.

"Subscribed and sworn (or affirmed) to before me this_____day of_____, 19____.

_____Assessor.

By_____."

Section 2, Article 5, Chapter 40, Acts of the Legislature, Regular Session, 1933—Form of personal property books; copies; extension of levies.

"In his personal property books the assessor shall enter the names and post office addresses of the owners of personal property and of other persons liable to capitation tax, alphabetically arranged by districts, showing separately the values of:

"(1) All tangible personal property employed exclusively in agriculture including horticulture and grazing;

"(2) All products of agriculture (including live stock) while owned by the producer;

"(3) All money, notes, bonds, bills and accounts receivable, stocks and any other intangible personal property;

"(4) The total of one, two and three;

"(5) All other tangible personal property.

"The tax commissioner may prescribe such itemization and further information as he deems necessary. The assessor shall make the same number of copies and extend the levies in the same way as he does with the land-book."

Section 4, Article 5, Chapter 40, Acts of the Legislature, Regular Session, 1933—Where personal property shall be listed for taxation; value of assessed leasehold estate to be deducted from total value of estate:

"Every person required by law to list personal property for taxation shall list the tangible personal property in the magisterial district wherein it is on the first day of the assessment year, and chattels real in the magisterial district wherein the land to which they relate is located; and he shall list for taxation in the magisterial district in which he resides the money, notes, bonds, bills and accounts receivable, stocks and other intangible personal property subject to taxation belonging to himself or under his charge or control, whether the same, or the evidence thereof be in or out of the state; but capital, money and intangible property (except real estate and chattels real) employed in any trade or business (other than agriculture) belonging to a company whether it is incorporated or not, or to an individual, shall be assessed for taxation in the magisterial district wherein the principal office for the transaction of the financial concerns

pertaining to such trade or business is located; or, if there be no such office, then in the district where the operations are carried on. Goods and chattels and other tangible personal property not exempt from taxation which may not be assessed for taxation in the magisterial district where the same were on the first day of the assessment year, but which have been removed therefrom, shall be assessed in the magisterial district where the same were on the first day of the assessment year; but the assessment and payment of taxes in any county or district in any year shall exonerate the owner of such property in any other county or district for such year: *Provided, however,* That in cases of the assessment of leasehold estates a sum equal to the valuations placed upon such leasehold estates shall be deducted from the total value of the estate, to the end that the valuation of such leasehold estate and the remainder shall aggregate the true and actual value of the estate."

Section 6, Article 5, Chapter 11, Code of West Virginia:

"*Deduction of Indebtedness.*—In listing money, credits, or investments the person owning the same may have deducted therefrom the amount of the indebtedness which he owes to others as principal debtor, but not what he may be liable for as surety or indorser, unless the principal debtor is insolvent and the surety or indorser is not indemnified; but before such deduction shall be allowed, the person desiring the same shall be examined under oath as to each debt which he desires to have deducted, when payable, and the amount thereof, including the interest, to the first day of the assessment year; after such examination, if the assessor be satisfied that the debts so claimed are bona fide and correct in amount, he shall allow and deduct the amount of the same from the valuation of such debtor's money, credits and invest-

ments, but not from the valuation of any other kind of property, and shall extend the taxes upon the remainder of such money, credits and investments; if such indebtedness equals or exceeds in amount the money, credits and investments, no taxes shall be extended on account of the same; the total valuation of money, credits and investments, after deducting therefrom the amount of such indebtedness, shall be placed in a column opposite the name of the owner thereof in the personal property book; if debts to be deducted are owing by such persons as coobligor or cosureties, or joint indorser, with others who are solvent, he shall be allowed to deduct only so much of such debt as he may have to pay after his coobligors or his cosureties or joint indorsers shall have paid their portion thereof; any special commissioner, guardian, executor, trustee or other fiduciary may claim the deductions which his principal, cestui que trust, ward, decedent or other beneficiary might have claimed as to such assessment; to the end that the assessor be enabled to make diligent and careful inquiry as to such debts, money, credits and investments, the justness and correctness thereof, he is hereby given the authority to administer oaths to any and all persons and examine them under oath as to any and all matters pertaining to a fair and full disclosure of the same; and any person who shall make a false statement, or shall state fictitious debts for the purpose of having the amount thereof deducted as herein provided for, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty nor more than five hundred dollars."

Section 11, Article 6, Chapter 11, Code of West Virginia:

"*Valuation of Property by Board.*—As soon as possible after the board of public works shall have procured the necessary information to enable it to do so, and, at

the latest, before the first day of June, said board shall proceed to assess and fix the true and actual value of all property of such owner or operator hereinbefore required to be returned, so far as the said board has been able to ascertain the same, in each county through which the railroad, car line, cars, express, telegraph, telephone, or pipe line of any such owner or operator runs, and in which any property to be assessed is located. In ascertaining such value the board shall consider the return, if any, made by the owner or operator, and any return which may have been previously made by such owner or operator, and all the evidence and information it has been able to procure by the means aforesaid, and such as may be offered by such owner or operator. When the board of public works has assessed any property hereby required to be returned, and has determined the valuation thereof, such assessment and valuation shall be entered of record in the book of minutes of its proceedings, and shall be certified by the secretary of the board to the auditor. Nothing in this chapter contained shall be construed to require the assessment by the board of public works of any part of the railroad, telegraph, telephone or pipe line until such part is so far completed as to be fit for use. But material held by any railroad, telegraph, telephone or pipe line company shall be returned to the board of public works for assessment as personal property. As soon as such assessment is made, the secretary of the board shall notify the owner or operator affected thereby of the amount thereof by written notice deposited in the post office, addressed to such owner or operator at the principal office or place of business of such owner or operator. Such assessment and valuation shall be final and conclusive, unless the same be appealed from in the manner following, within thirty days after such notice is so deposited."